

APR 16, 1985

Dear Mr. Montgomery:

Thank you for your March 24, 1985 letter which was referred to me for response. We appreciate your concern about the handling and disposition of potentially harmful chemicals and their containers.

There are Federal regulations covering the management and disposal of many toxic and hazardous substances. These regulations have been promulgated under the Resource Conservation and Recovery Act (RCRA), the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or "Superfund"), the Toxic Substances Control Act (TSCA), The Clean Water Act (CWA), etc. Because you are concerned specifically with disposal of chemicals and their containers, your letter was referred to the Office of Solid Waste which is responsible for RCRA regulations.

The Federal standards for the management and disposal of hazardous wastes under RCRA and the reporting requirements for hazardous spills under CERCLA apply directly to the generators and facilities defined in the regulations. However, the owner of a sailboat (as an example that you used in your letter) would be excluded from these Federal regulations under both the consumer-use-of-a-product provision of CERCLA, and the small quantity generator provisions of RCRA, which apply only to the generators of more than 100 kilograms of waste per month. I would recommend that you contact your State authorities for specific State laws regarding disposal of toxic and hazardous chemicals. The States can and do impose more stringent regulations than the Federal government.

In answer to your question "what does a sailor do with an empty can of penta as a wood preservative?," we can offer the following suggestion. The proper management of containers and chemicals, especially those as toxic as pentachlorophenol, would be an inconvenience for most individuals.

However, the marinas might be willing to maintain a depository for such hazardous substances and periodically have them transported to an approved hazardous waste management facility. Again, your State environmental people should be consulted for their guidance.

Faxback 11070

Although most Federal regulations are not geared to pollution problems at this level, your article could inform many environmentally concious individuals of their responsibilities in keeping our environment safe and clean. Thanks again for your interest.

Very truly yours,

Eileen B. Claussen  
Director  
Characterization and Assessment Division

March 24, 1985

EPA Chemical Control Division  
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Gentlemen:

I am working on an article for a national sailing magazine. In today's marine industry, the layman comes in contact with many potentially harmful chemicals, including epoxies, solvents, fuel oils, and the like.

At present there are no regulations, that I know of, for disposal of these chemicals. What does a sailor do with an empty can with penta as a wood preservative? He either throws it overboard, or into the nearest dumpster.

Perhaps you could advise on the EPA recommendations for the disposal of such toxic wastes. I am dealing with a concerned audience that will respond in a responsible manner if advised the proper disposal methods.

Perhaps you could advise on EPA programs in this vein.

Sincerely,

Larry Montgomery  
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